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10/032,065	12/31/2001	Bent Neubert	Q67943	5652

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EXAMINER

NOVOSAD, JENNIFER ELEANORE

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 05/20/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,065

Applicant(s)

NEUBERT, BENT

Examiner

Jennifer E. Novosad

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 11-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 5 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/032,065.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restriction

Claims 11-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in Paper No. 8.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/032,065, filed on December 31, 2001.

Drawings

The drawings are objected to under 37 CFR 1.84(h)(5) because Figures 6, 7, 8, 9c, 9d, 10, 11, and 12 show different views in the same figure. *Accordingly*, each view should be labeled and reference made in the specification, where appropriate. It is noted that page 14, line 10 refers to Figure 8 and that page 16, line 24 refers to Figures 8a-c. *However*, while Figure 8 contains reference to separate figures, i.e., a-c, the individual figures present in Figure 8 should be labeled as --Figure 8a--, --Figure 8b--, and --Figure 8c--. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Art Unit: 3634

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 152 and 153, as on page 19, lines 3 and 4, respectively. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Title

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. *In particular*, the claims are not drawn to a method but rather an apparatus.

Specification

The disclosure is objected to because of the following informalities:

On page 1, lines 10 and 19, "e.g." should be changed to --e.g.,--.

On page 9, line 6, "rearrange" should be changed to --rearranging--.

On page 17, line 13, "and or" should be changed to --and/or--.

Appropriate correction is required.

Claim Objections

Claims 1, 2 and 6-10 are objected to because of the following informalities:

In line 6 of claim 1, it is suggested that "it" be changed to --said member--.

In claim 2, line 6, it is suggested that "its ends" be changed to --ends thereof--.

Art Unit: 3634

In lines 1-2 of claim 6, it is strongly suggested that --Use of a glove holding member... said system comprising" be changed to --A glove holding member as claimed in claim 1 in combination with--. Accordingly, the recitation "Use" in line 1 of claims 7-10, should be changed to --The combination--.

In line 3 of claim 8, --(-- should be inserted before "18, 19)".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "hair-needle like shape" in line 6 of claim 2 is vague and/or indefinite.

The use of the term "distinct" in lines 2 and 3 of claim 3 renders the claim indefinite since it is unclear whether the claim is attempting to set forth that a "plurality" of mounting holes is being claimed.

It is unclear from claim 4, what is meant by "most extreme bar member" (see line 3), in view of claim 3 which refers to "extreme bar members".

Claim 7 recites the limitations (a) "the engagement means" in lines 5-6 and (b) the base member" in line 7. There is insufficient antecedent basis for this limitation in the claim. It is noted that claim 1 refers to a "base".

Art Unit: 3634

The term "relatively shallow" in claim 8 (see line 7) is a relative term which renders the claim indefinite. The term "relatively shallow" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. *Further*, the word "means" is preceded by the word(s) "recess" in line 9, in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Bader '169.

Bader '169 discloses a glove holding member formed substantially in the shape of a human hand with five fingers (18-20) adapted to distend a glove placed thereon whereby the fingers are positioned in a common plane (see Figure 2); and the fingers are formed by a configuration of bar members mounted in a common base (64) whereby the bar members extend substantially in symmetry with respect to the common plane. It is noted that claim 1 is merely functionally reciting that the member is for "transporting and/or cleaning purposes".

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawyer '682.

Insomuch as the claims are best understood (in view of the Section 112 rejections of claims 2-4), Sawyer '682 discloses a glove holding member formed substantially in the shape of a human hand with five fingers (see Figure 1) adapted to distend a glove placed thereon whereby the fingers are positioned in a common plane (see Figure 2); the fingers are formed by a configuration of bar members mounted in a common base (18) whereby the bar members extend *substantially* in symmetry with respect to the common plane; the configuration comprises a separate bar member for each finger whereby the bar members are formed from *a piece* of wire material bent into a hair-needle *like* shape whereby the ends (14 and 16) of the configuration are secured in two mounting holes (between 32, 24, and 28 in Figure 2) in the base (18) so that the fingers are offset from each other in a direction transverse to the common plane; the extreme bar members (generally at 10 and 12) projecting from the mounting holes with an angular displacement, i.e., the bar members project at an angle of approximately 90 degrees and the bar members are also bent outward (see portions above 10 and 12). It is noted that claims 1-4 are merely functionally reciting that the member is for "transporting and/or cleaning purposes".

Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Dennhofer '439.

Dennhofer '439 discloses a glove holding member formed substantially in the shape of a human hand with five fingers (1) adapted to distend a glove placed thereon whereby the fingers are positioned in a common plane; the fingers are formed by a configuration of bar members mounted in a common base (3) whereby the bar members extend substantially in symmetry with respect to the common plane; and the glove holding member is used with a cleaning device (see

Art Unit: 3634

Figures 4 and 5) whereby the base (3) is provided with an engagement means for releasable engagement with mounting means (see Figure 3c) in the cleaning device. It is noted that the device disclosed in Denhofer '439 is considered to define a "cleaning" device in such a way as called for in the claim.

Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Marsalona '897.

Marsalona '897 discloses a glove holding members formed substantially in the shape of a human hand with five fingers (12 - see Figure 2) adapted to distend a glove placed thereon whereby the fingers are positioned in a common plane; the fingers are formed by a configuration of bar members mounted in a common base (generally at 17) whereby the bar members extend *substantially* in symmetry with respect to the common plane; and the glove holding member is used with a cleaning device whereby the base (3) is provided with an engagement means for releasable engagement with mounting means (4) in the cleaning device. It is noted that the device disclosed in Marsalona '897 is considered to define a "cleaning" device in such a way as called for in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3634

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marsalona '897 as applied to claims 1 and 6 above, and further in view of Sisson '357.

Marsalona '897 discloses the glove holding member as advanced above.

The claim differs from Marsalona '897 in requiring the device to define a trolley for transporting. It is noted that the claim is merely functionally reciting "slaughter equipment".

Sisson '357 teaches an assembly defining a trolley.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the member of Marsalona '897 with the trolley, as taught by Sisson '357, for ease in use to the consumer while allowing for increased storage capabilities.

Allowable Subject Matter

Claims 5 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7 and 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 5, the prior art of record fails to show or suggest a glove holding member as called for in claim 1, whereby the bar members are surrounded by a ring members which can be displaced in the longitudinal direction to bring the bar members together to allow the members to spread out, as specifically called for in the claimed combination of claim 5. It is

Art Unit: 3634

noted that while the prior art of record, namely Justus, shows a ring member which is used to bring together or spread apart the members, there is no motivation to combine Justus with any of the applied references since the bar members in Sawyer, Dennhofer, and Marsalona cannot be brought together or spread apart, i.e., the bar members are rigid.

With respect to claims 7, 8, and 9, the prior art of record fails to show or suggest a glove holding member in combination with a device, as called for in claim 6, comprising the mounting means (see claims 7-9) and engagement means (see claim 7) as specifically called for in the claimed combinations of claims 7, 8, and 9.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Franz, Peet, Sutton, Mechaneck, Gillam, and Clyde show various glove holding members. Leppo, Fritz *et al.*, and Maiefski *et al.* show various cleaning or transporting devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is (703)-305-2872. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703)-308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-305-3597 for regular communications and (703)-305-3597 for After Final communications.

Art Unit: 3634

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1113.


Jennifer E. Novosad
Examiner
Art Unit 3634

Jennifer E. Novosad/jen
May 14, 2003